

REMARKS

Applicants respectfully request consideration of this Response to the final Office Action dated March 25, 2004. Applicants have filed a Petition to Revive for Unavoidable delay because the Applicants never received the final Office Action. According to the USPTO record the final Office Action was mailed to previous counsel despite the presence of a new power of attorney. Applicants did not become aware of the final Office Action until a Notice of Abandonment was issued. Consequently, Applicants have filed a Petition to Revive along with this Response.

Applicants respectfully request reconsideration of Examiner's rejection under 35 U.S.C. §103(a). The Applicants' presently claimed invention recites generating a 3-D highlighted image using an image processor at a viewer's location. The prior art of record fails to teach or suggest either the localization of video data or the implementation of 3-D images as presently claimed. Further, the prior art fails to teach the implementation of 3-D images as presently claimed in Applicant's patent.

Examiner has rejected the claims over *Rosser et al.*, U.S. Patent No. 5,264,933, and *Rosser*, U.S. Patent No. 6,446,261. Examiner claims that *Rosser et al.* teaches Applicant's invention at the abstract and at Column 8 lines 37-43 and lines 52-58. However, *Rosser et al.* fails to teach or suggest Applicant's claimed invention in either those three sections, or in the rest of their disclosure. *Rosser et al.* discloses overlaying an image (i.e., an advertiser's logo) over a specified area of a video image, for example, a portion of a tennis court. This video processing is entirely done by the Television studios before the video stream is broadcast out to viewers, and the video processing is only accomplished through the use of 2-D images and overlays. Applicant's presently claimed invention, however, utilizes an image

processor or other means located in a localized device such as a set-top box located at the viewer's television to generate a 3-D highlighted image from the 2-D image. This allows for advertising data to be customized to the specific viewer, area, or demographic. Further, Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This technology is neither taught, nor suggested in *Rosser et al.*

Rosser discloses the localization of video data, however, it does not disclose the advantageous use of 3-D image data. Applicant's invention involves the use of 3-D technologies in order to create a higher quality localized advertisement. More specifically, Applicant's invention includes a 3-D image processor that can generate a 3-D highlighted image from the 2-D video image transmitted to the viewer. This technology is neither taught, nor suggested in *Rosser*, and includes a significant and non-trivial improvement on that technology. For example, information about a soda bottle can be extracted from the 2-D image and a 3-D highlighted image is generated using the information to allow further customization based on the transmitted 3-D text and shapes. As a result, Rosser neither teaches nor suggests Applicants' presently claimed invention.

Further, Applicants' presently claimed invention sets forth independent claims distinct and allowable in light of the prior art. Therefore, all dependent claims also stand in condition for allowance.

Appl. No. 09/782,916
Amdt. Dated November 8, 2005
Reply to Office Action of March 25, 2004

Accordingly, Applicant's invention is patentability distinct over the art of record. In light of the foregoing, Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,



(Reg. #26,494)

Date: Nov 8, 2005

Todd S. Parkhurst
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th Floor
Chicago, IL 60603
Tel: (312) 263-3600
Attorney for Applicant

Appl. No. 09/782,916
Amdt. Dated November 8, 2005
Reply to Office Action of March 25, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail on November 8, 2005 in an envelope addressed to:

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

*Tall f.
Parkhurst*

Attorney for Applicants

3363533_v1